

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #7	CCRB Case #: 201808080	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/14/2018 , Saturday, 09/22/2018 12:20 PM	Location of Incident: [REDACTED]	Precinct: 81	18 Mo. SOL 3/22/2020	EO SOL 11/6/2020	
Date/Time CV Reported Mon, 10/01/2018 8:10 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/01/2018 8:10 AM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
[REDACTED]	[REDACTED]	[REDACTED]			
<b>Witness(es)</b>	<b>Home Address</b>				
[REDACTED]	[REDACTED]				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. DT1 Aubrey Henry	02306	899345	BK SVS		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. DT3 Brittany Foy	1946	947001	BK SVS		
2. SGT Victor Paribello	02613	930906	SVD Z3		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.DT1 Aubrey Henry	Force: Detective Aubrey Henry used physical force against § 87(2)(b) [REDACTED]			[REDACTED]	

## Case Summary

On October 1, 2018, § 87(2)(b) called the CCRB and filed this complaint.

On September 22, 2018, at approximately 7:00 p.m., in the vicinity of § 87(2)(b) in Brooklyn, Detective Aubrey Henry, Detective Brittney Foy, and Sergeant Victor Paribello of the Brooklyn Special Victims Squad, arrested § 87(2)(b) pursuant to an ongoing investigation lead by Detective Michael Freeman (also assigned to the Brooklyn Special Victims Squad but was not present for the apprehension). Det. Henry allegedly pulled § 87(2)(b)

§ 87(2)(b) out of the doorway and pushed face against the wall of the foyer

**(Allegation A: Force,** § 87(2)(g) § 87(2)(b) was arrested for § 87(2)(b) attempted assault, and burglary (Board Review 07).

There is no video evidence regarding this complaint.

## Findings and Recommendations

### Allegation (A) Force: Detective Aubrey Henry used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 01) testified that on the night of September 22, 2018, he heard a knock at the door. He opened the door and saw § 87(2)(b) (his cousin whom also lived at the location) standing in front of Det. Henry, Det. Foy, and approximately five other officers. As soon as the door was open, Det. Henry stepped in front of § 87(2)(b) and grabbed § 87(2)(b) right arm. He pushed § 87(2)(b) face first against the entrance of the front door, making it difficult for him to breathe. At first, § 87(2)(b) pushed back off the wall but then stopped because Det. Henry pressed against him with his entire body. He did not make any additional physical movements. Det. Henry put § 87(2)(b) into handcuffs. None of the officers present issued § 87(2)(b) any commands or informed him of why he was being arrested. § 87(2)(b) § 87(2)(b) witnessed the interaction but did not make any statements. The officers escorted § 87(2)(b) to their vehicle and left the location. § 87(2)(b) was eventually charged with § 87(2)(b) robbery, and assault.

On October 21, 2019, a phone call was placed to § 87(2)(b) (Board Review 08). During this conversation, § 87(2)(b) clarified his interaction with Det. Henry took place near the front door, which is shared by other residents of the building. At no point during their interaction did any of the officers present enter § 87(2)(b)'s personal apartment.

On November 8, 2018, § 87(2)(b) provided a phone statement regarding the incident (Board Review 02). On September 22, 2018, § 87(2)(b) was going to visit his cousin, § 87(2)(b) at § 87(2)(b) with his friend § 87(2)(b) (last name unknown). As they approached the residence, § 87(2)(b) observed Det. Henry, Det. Foy, and two additional officers standing outside of the location. § 87(2)(b) did not know why the officers were there so he approached the front door and knocked. § 87(2)(b) opened the door and Det. Henry ran towards him. Det. Henry grabbed § 87(2)(b) by the back of the neck and pushed his face against the wall. He pulled § 87(2)(b) hands behind his back and put

them into handcuffs. The interaction between § 87(2)(b) and Det. Henry lasted approximately 20 seconds and at no point did § 87(2)(b) resist.

Det. Henry (Board Review 03) testified that himself, Det. Foy, Sgt. Paribello, and one other officer responded to the location to arrest § 87(2)(b) in regards to one of Det. Freeman's active cases. As the officers approached the residence three unknown males exited a vehicle and entered behind them. The officers asked the individuals if they knew § 87(2)(b) and they said they did not. Det. Henry rang the doorbell and § 87(2)(b) opened the door. Det. Henry explained to him that they were Detectives from the Special Victims Unit and that they were there to pick him up. The individuals standing behind the officers yelled at § 87(2)(b) asking him why he would bring heat (the police) there. § 87(2)(b) stepped out of the residence and Det. Henry ordered him to turn around. § 87(2)(b) complied and Det. Henry handcuffed him. § 87(2)(b) did not resist or make any sudden bodily movements at any point during their interaction. Det. Henry did not push § 87(2)(b) against a wall nor did he see any other officer do so. At no point did Det. Henry hear § 87(2)(b) complain of difficulty breathing.

§ 87(2)(b), § 87(2)(g) At no point during the interaction did Sgt. Paribello see Det. Henry push or use any physical force against § 87(2)(b). § 87(2)(b) did not complain of difficulty breathing at any time during the encounter.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (Board Review 05).
- Det. Henry has been a member-of-service for 28 years and has been a subject in 14 complaints and 37 allegations, 5 of which were substantiated:
  - Case # 9202092 involved a substantiated allegation of force against Det. Henry. The Board recommended charges and the NYPD's disposition is unavailable
  - Case # 9400026 involved substantiated allegations of force against Det. Henry. The Board recommended charges and the NYPD's disposition is unavailable.
  - Case # 200301449 involved allegations of force against Det. Henry. The Board recommended charges, Det. Henry plead guilty and forfeited 32 vacation days.

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- The Office of Court Administration (OCA), revealed § 87(2)(b) was convicted of disorderly conduct on December 20, 2018, § 87(2)(b) (Board Review 06).
- On October 18, 2019, a Notice of Claim FOIL request was sent to the New York City Comptroller's office. This will be added to the case file upon receipt.

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Squad No.: 7

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date